

SENATE BILL 3538

By Herron

AN ACT to amend Tennessee Code Annotated, Section
36-1-113; Section 36-1-114 and Section 36-1-117,
relative to termination of parental rights

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-113(d)(3)(A), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(3)

(A) The petition, or allegations in the adoption petition, shall contain a verified statement that:

(i) The putative father registry maintained by the department has been consulted within ten (10) working days of the filing of the petition and shall state whether there exists any claim on the registry to the paternity of the child who is the subject of the termination or adoption petition;

(ii) Indicates if there exists any other claim or potential claim to the paternity of the child;

(iii) Describes whether any other parental or guardianship rights have been terminated by surrender, parental consent, or otherwise, and whether any other such rights must be terminated before the child can be made available for adoption; and

(iv) Any notice required pursuant to subdivision (d)(4) has been given.

SECTION 2. Tennessee Code Annotated, Section 36-1-113(d)(4), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(4) The petition, if filed separately from the adoption petition, may be filed as provided in § 36-1-114. If the petition is filed in a court different from the court where there is a pending custody, dependency, neglect or abuse proceeding concerning a person whose parental rights are sought to be terminated in the petition, a notice of the filing of the petition, together with a copy thereof, shall be sent by the petitioner to the court where the prior proceeding is pending. In addition, the petitioner filing a petition under this section shall comply with the requirements of § 36-1-117(e).

SECTION 3. Tennessee Code Annotated, Section 36-1-113(g), is amended by deleting the language "Initiation of termination of parental or guardianship rights may be based upon any of the following grounds:" and by substituting instead the following:

Initiation of termination of parental or guardianship rights may be based upon any of the grounds listed in this subsection (g). The following grounds are cumulative and non-exclusive, so that listing conditions, acts or omissions in one ground does not prevent them from coming within another ground:

SECTION 4. Tennessee Code Annotated, Section 36-1-114, is amended by deleting the section in its entirety and by substituting instead the following:

§ 36-1-114. The termination or adoption petition may be filed in the county:

(1) Where the petitioners reside;

(2) Where the child resides;

(3) Where the child resided when:

(A) The child became subject to the care and control of a public or private child-caring or child-placing agency; or

(B) The child became subject to partial or complete guardianship or co-guardianship pursuant to a surrender proceeding as provided in this part; or

(4) In which is located any licensed child-placing agency or institution operated under the laws of this state having custody or guardianship of the child or to which the child has been surrendered as provided in this part.

SECTION 5. Tennessee Code Annotated, Section 36-1-117(n), is amended by deleting the period at the end of the subsection and by substituting instead the language “; however, in termination proceedings, proof must be presented as to legal grounds and best interest pursuant to § 36-1-113.”

SECTION 6. This act shall take effect on July 1, 2008, the public welfare requiring it.